

June 17, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Notice

In the Matter of IP-Enabled Services, CC Docket 04-36

**In the Matter of Wireline Local Telephone Number Portability, CC Docket
No. 95-116**

Dear Ms. Dortch:

On Tuesday, June 15, 2004, Emory Graffis, General Manager with Northeast Nebraska Telephone Company, Don Miller, General Manager with Northwest Telephone Cooperative Association, Darrell Dennis, Assistant General Manager with XIT Communications and Daniel Mitchell, Senior Regulatory Counsel with the National Telecommunications Cooperative Association (NTCA) met with Commissioner Jonathan Adelstein and Scott Bergmann, Commissioner Adelstein's Legal Advisor on Wireline Issues. We discussed NTCA positions in the Commission's Notice of Proposed Rulemaking on IP-Enabled Services and the difficulties rural incumbent local exchange carriers face with regard to complying with the Commission's local number portability rules. NTCA positions on how the FCC should address LNP implementation difficulties were the same as its recommendations in previously filed pleadings in the above-referenced proceeding. NTCA positions taken in the IP-Enabled Services NPRM are summarized in the enclosed attachment that was handed out at the meeting.

In accordance with the Commission's rules, an original and two copies of this letter are being filed with the Secretary's Office. If you have any questions, please do not hesitate to contact me at 703-351-2016.

Sincerely,

/s/ Daniel Mitchell
Daniel Mitchell
Senior Regulatory Counsel
Legal and Industry

cc: Scott Bergmann

NTCA's POSITIONS IN THE IP-ENABLED SERVICE DOCKET WC 04-36

- (1) VoIP and IP-enabled service providers should be subject to the same inter-carrier compensation obligations as IXC's, irrespective of whether the traffic originates on the PSTN, on an IP network, on a wireless network, or on a cable network;
- (2) VoIP and IP-enabled service providers, regardless of their service's regulatory classification as either an "information service," "telecommunications service," "cable service," or "wireless service" should be required to contribute to the universal service fund to ensure that all Americans have access to affordable communications services;
- (3) VoIP providers should be required to adhere to similar regulatory obligations to provide consumers with 911 service, CALEA compliance and disability access, or require VoIP providers to provide other alternatives that meet the public's interest in security and safety;
- (4) FCC should refrain from asserting exclusive federal jurisdiction over all VoIP and IP-enabled services and allow for the possibility that some VoIP and IP-enabled services may fall under exclusive state jurisdiction or shared state and federal jurisdiction;
- (5) The FCC should eliminate the enhanced service provider (ESP) exemption for Internet service providers (ISPs);
- (6) rural ILECs who choose to remain on rate-of-return regulation should be permitted broadband transmission tariffing with pricing flexibility;
- (7) the current definition of universal service must evolve to keep pace with consumer needs and evolving technology;
- (8) the list of USF contributors must expand to include cable, wireless and satellite providers of broadband Internet access and facilities-based and non-facilities-based VoIP and IP-enabled service providers to ensure this Nation's continued success in providing all Americans, rural and urban, access to affordable and comparable communications services; and
- (9) Even if all VoIP and IP-enabled services were accommodated on broadband-only-facilities, the costs of these facilities are still higher in rural areas. Some form of access and/or universal service will be needed to ensure that rural consumers continue to receive access to advanced telecommunications and information services that are reasonably comparable in rural and urban areas of the United States.